

REMARKS

STATUS OF CLAIMS

Claims 1-11 are pending and stand rejected.

By this Amendment claims 1-11 are amended and new claim 12 is added. Therefore, claims 1-12 are now under consideration.

REJECTION OF CLAIMS 3 AND 9 UNDER 35 U.S.C. §112, ¶2

In the Action at page 2, item 2, claims 3 and 9 are rejected under 35 U.S.C. §112, ¶2 as being indefinite.

Claims 3 and 9 are amended to overcome the rejection under 35 U.S.C. §112, ¶2.

Reconsideration is respectfully requested.

CLAIMS 1-4 AND 6-11 ARE REJECTED UNDER 35 U.S.C. §103(a) AS BEING UNPATENTABLE OVER OTANI ET AL., IN VIEW OF C. REICHERT, SR., ET AL.

In the Action at pages 2-4, item 4, claims 1-4 and 6-11 are rejected under 35 U.S.C. §103(a) as being unpatentable over Otani et al. (U.S. Patent No. 5,881,623) in view of C. Reichert, Sr., et al. (U.S. Patent No. 1,876,075).

Reconsideration is respectfully requested.

Claim 1

Claim 1 is directed to a roll paper cutter in which "the stationary knife ... [is] fixed at a non-zero angle with respect to the longitudinal direction of the rail," (as recited in claim 1).

Otani et al. Reference

Otani et al. discloses "rotary blades 3a and 3b ... provided coaxially with driven rotary members 2a and 2b, respectively, and the rotary blades 3a and 3b are forcibly rotated respectively by the driven rotary members 2a and 2b when the driven rotary members 2a and 2b are rotated." (See Otani et al. at column 4, lines 20-24.) This is, since rotary blades 3a and 3b are round in shape, as shown in all of FIGS. 1A-1B and 2-4 of Otani et al., the stationary knife cannot be fixed at a non-zero angle with respect to the longitudinal direction of the screw 10 (i.e., corresponding to the rail of the invention recited in claim 1).

C. Reichert, Sr., et al. Reference

C. Reichert, Sr., et al. discloses "electric cutting machines with a disc-shaped revolving cutter, suitable for cutting out woven fabrics." (See C. Reichert, Sr., et al. at column 1, lines 1-3.) In the C. Reichert, Sr., et al. cutting machine, the cutting jaw 6 is shown as being parallel to (i.e., at a zero angle with respect to) a line of movement of the cutting machine. In particular, C. Reichert, Sr., et al. is silent regarding the cutting jaw 6 (i.e., corresponding to the stationary knife of the invention recited in claim 1) being fixed at a non-zero angle with respect to the longitudinal direction of the rail (i.e., the line of movement of the cutting machine). This is because, there is no rail disclosed in the C. Reichert, Sr., et al. cutting machine and, furthermore, C. Reichert, Sr., et al. merely discloses operative and inoperative positions of the cutting jaw 6 are produced by a movement of the cutting jaw 6 abutting or not abutting, respectively, the revolving cutter 3. This movement of the cutting jaw 6 of the C. Reichert, Sr., et al. is in a direction perpendicular to a line of movement of the cutting machine.

Accordingly, claim 1 is submitted to patentably distinguish over the cited art and is submitted to be allowable.

Claims 2-4 and 6-11, which depend from claim 1, are submitted to be allowable for at least the same reasons as claim 1, as well as for the additional recitations therein.

CLAIM 5 IS REJECTED UNDER 35 U.S.C. §103(a) AS BEING UNPATENTABLE OVER OTANI ET AL. IN VIEW OF KALTENBACH ET AL.

In the Action at pages 4-5, item 5, claim 5 is rejected under 35 U.S.C. §103(a) as being unpatentable over Otani et al. in view of Kaltenbach et al. (U.S. Patent No. 1,796,463).

It is submitted that claim 1 from which claim 5 depends, is allowable over Otani et al. for the above noted reasons.

Kaltenbach et al. Reference

Kaltenbach et al. discloses a cutting machine similar to that of the C. Reichert, Sr., et al. cutting machine. In the Kaltenbach et al. cutting machine, the co-acting blade *k* is disclosed as having a front end which is pointed such that the co-acting blade *k* is held in the recess *l* in the sliding foot *j* and removable from the sliding foot *j* by releasing a single screw. However, Kaltenbach et al. is silent regarding the co-acting blade *k* (i.e., corresponding to the stationary knife of the invention recited in claim 1) being fixed at a non-zero angle with respect to the longitudinal direction of the rail. This is because, there is no rail disclosed in the Kaltenbach et

al. cutting machine and, furthermore, FIG. 1 of Kaltenbach et al. shows the co-acting blade *k* parallel to (i.e., at a zero angle with respect to) a line of movement of the cutting machine)

It is submitted that claim 1 patentably distinguishes over Otani et al in view of Kaltenbach et al. for the above noted reasons.

Accordingly, claim 5, which depends from claim 1, is submitted to be allowable for at least its dependency on claim 1, as well as for the additional recitations therein.

CONCLUSION

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is respectfully solicited.

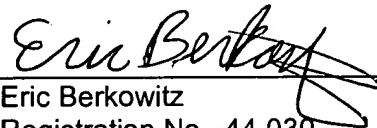
Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: 12/24/03

By: 
Eric Berkowitz
Registration No. 44,030

1201 New York Avenue, NW, Suite 700
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-1501